



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/751,319

12/29/2000

John A. Toebes

062891.0461

9156

7590

07/02/2004

BARTON E. SHOWALTER
BAKER BOOTS L.L.P.
2001 ROSS AVENUE
DALLAS, TX 75201-2980

EXAMINER

LETT, THOMAS-J

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,319

Applicant(s)

TOEBES ET AL

Examiner

Thomas J. Lett

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 18 is objected to because of the following informalities: the term "pint" should be changed to read "print". Appropriate correction is required.

Double Patenting

2. Claims 1-45 of this application conflict with claims 1-45 of Application No. 09/781531. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claim 1 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

4. Claim 2 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 2 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

5. Claim 3 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 3 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

6. Claim 4 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 4 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

7. Claim 5 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 5 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

8. Claim 6 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 6 of copending Application No. 09/781531. This is a

Art Unit: 2626

provisional double patenting rejection since the conflicting claims have not in fact been patented.

9. Claim 7 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 7 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

10. Claim 8 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 8 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

11. Claim 9 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 9 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

12. Claim 10 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 10 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

13. Claim 11 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 11 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

14. Claim 12 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 12 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

15. Claim 13 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 13 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

16. Claim 14 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 14 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

17. Claim 15 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 15 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

18. Claim 16 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 16 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

19. Claim 17 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 17 of copending Application No. 09/781531. This is a

Art Unit: 2626

provisional double patenting rejection since the conflicting claims have not in fact been patented.

20. Claim 18 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 18 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

21. Claim 19 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 19 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

22. Claim 20 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 20 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

23. Claim 21 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 21 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

24. Claim 22 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 22 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Art Unit: 2626

25. Claim 23 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 23 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

26. Claim 24 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 24 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

27. Claim 25 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 25 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

28. Claim 26 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 26 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

29. Claim 27 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 27 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

30. Claim 28 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 28 of copending Application No. 09/781531. This is a

Art Unit: 2626

provisional double patenting rejection since the conflicting claims have not in fact been patented.

31. Claim 29 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 29 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

32. Claim 30 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 30 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

33. Claim 31 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 31 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

34. Claim 32 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 32 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

35. Claim 33 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 33 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Art Unit: 2626

36. Claim 34 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 34 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

37. Claim 35 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 35 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

38. Claim 36 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 36 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

39. Claim 37 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 37 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

40. Claim 38 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 38 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

41. Claim 39 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 39 of copending Application No. 09/781531. This is a

Art Unit: 2626

provisional double patenting rejection since the conflicting claims have not in fact been patented.

42. Claim 40 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 40 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

43. Claim 41 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 41 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

44. Claim 42 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 42 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

45. Claim 43 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 43 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

46. Claim 44 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 44 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Art Unit: 2626

Claim 45 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 45 of copending Application No. 09/781531. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

47. Claim 44 recites the limitation "said configuration script" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim.
48. Claim 45 recites the limitation "said service provider" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.
49. Claim 45 recites the limitation "said user" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2626

50. Claims 1-6, 10-13, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Safai (US Patent 6,715,003 B1).

With respect to claim 1, Safai discloses a block diagram (FIG. 7) that illustrates a computer system 700 (*a reference platform*) upon which aspects of the invention may be implemented (col 18, lines 22-24), which reads on a reference platform;

Computer system 700 may be coupled via bus 702 (*camera interface*) to a display 712, such as a cathode ray tube (CRT), for displaying information to a computer user. An input device 714, including alphanumeric and other keys, is coupled to bus 702 for communicating information and command selections to processor 704. Another type of user input device is a cursor control 716, such as a mouse, a trackball, or cursor direction keys for communicating direction information and command selections to processor 704 and for controlling cursor movement on display 712, which reads on a camera interface coupled to the reference platform and operable to receive a digital input; and

network link 720 typically provides data communication through one or more networks to other data devices. For example, network link 720 may provide a connection through local network 722 to a host computer 724 or to data equipment operated by an Internet Service Provider 726 (*wide area network*) (col 19, lines 53-58), which reads on a communication interface coupled to the reference platform operable to communicate said digital input to a wide area network.

With respect to claim 2, Safai discloses that computer system 700 includes a bus 702 or other communication mechanism for communicating information, and a

Art Unit: 2626

processor 704 coupled with bus 702 for processing information (col 18, lines 24-27), which reads on the reference platform comprises a processor operable to execute instructions; and

computer system 700 also includes a main memory 706, such as a random access memory (RAM) or other dynamic storage device, coupled to bus 702 for storing information and instructions to be executed by processor 704 (col 18, lines 27-31), which reads on the reference platform comprises a data storage media operable to store configuration data and said digital input.

With respect to claim 3, Safai discloses that network link 720 may provide a connection through local network 722 to a host computer 724 or to data equipment operated by an Internet Service Provider (ISP) 726 (col 19, lines 55-58), which reads on the communication interface device is operable to communicate to a service provider.

With respect to claim 4, Safai discloses that communication interface 718 may be a modem to provide a data communication connection to a corresponding type of telephone line (col 19, lines 42-45), which reads on the communication interface is a dial up modem.

With respect to claim 5, Safai discloses that Network link 720 typically provides data communication through one or more networks to other data devices (col 19, lines 53-54) and ISP 726 in turn provides data communication services through the world wide packet data communication network now commonly referred to as the "Internet" 728 (col 19, lines 58-60), which reads on the communication interface is to a broadband enabled network.

With respect to claim 6, Safai discloses that alternatively, the communications port 214 is an Ethernet interface (col 6, lines 15-17) and aspects of the invention may be implemented on Fig. 7, which reads on wherein the communication interface is an Ethernet network.

With respect to claim 10, Safai discloses network link 720 typically provides data communication through one or more networks to other data devices. For example, network link 720 may provide a connection through local network 722 to data equipment operated by an Internet Service Provider (ISP) 726. The ISP would use the TCP/IP protocol for transmission (col 19, lines 53-58), which reads on the communication interface uses TCP/IP (Transmission Control Protocol/Internet Protocol).

With respect to claim 11, Safai discloses common forms of computer-readable media include, for example, a floppy disk, a flexible disk, a hard disk, magnetic tape, many other magnetic medium, a CD-ROM, any other optical medium, punch cards, paper tape, any other physical medium with patterns of holes, a RAM, a PROM, an EPROM, a FLASH-EPROM, any other memory chip or cartridge, a carrier wave as described hereinafter, and any other medium from which a computer can read (col 19, lines 14-21), which reads on the camera interface is selected from a group consisting of Smart Media, Compact Flash, USB, BlueTooth, Sony Memory Stick, floppy disk, compact disk, and zip disk.

With respect to claim 12, Safai discloses that alternatively, the communications port 214 is an Ethernet interface (col 6, lines 15-17) and aspects of the invention may

Art Unit: 2626

be implemented on Fig. 7, which reads on a digital camera coupled to the reference platform.

With respect to claim 13, Safai discloses that one or more digital images are thereby formed by the camera and stored in its memory for later use, viewing or manipulation (col 22, lines 30-32), which reads on providing image data on a storage;

the software elements 220 of camera 100 may generate the menu displays of FIG. 9A through FIG. 9D and FIG. 10 and cooperate with software elements executed by server 810 to carry out services 802 (col, lines 24-27), which reads on connecting the storage media(*of camera*) to a reference platform(*server*);

a photographic service provider, such as a photo development business, photograph or film processing business, camera shop, or other service bureau ("photo service provider"), can be located logically separate or remote from the service provider 800 and the owner of camera 100 (col 20, lines 51-55), which reads on connecting the reference platform to a service provider; and

the photo service provider provides development, printing and/or transport services for photographic prints or other photographic elements such as negatives, internegatives, interpositives, motion picture film, etc., that are produced based on digital images, to a user of camera 100 (col 20, lines 59-64), which reads on uploading the image data to the service provider.

With respect to claim 44, Safai discloses that network link 720 may provide

Art Unit: 2626

a connection through local network 722 to a host computer 724 or to data equipment operated by an Internet Service Provider (ISP) 726 (col 19, lines 54-58), which reads on contacting a service provider;

Network link 720 typically provides data communication through one or more networks to an Internet Service Provider (ISP) 726 (col 19, lines 53-58), which reads on submitting information to said service provider;

a user of camera 100 has access to an account with service provider 800. The user may utilize the account, for example, for World Wide Web or Internet access using a personal computer or workstation(col 20, lines 28-31), which reads on creating an account for said user by said service provider;

Computer system 700 also includes a communication interface 718 coupled to bus 702. Communication interface 718 provides a two-way data communication coupling to a network link 720 (col 19, lines 38-41), which reads on connecting said reference platform to a communication receptacle;

and Network link 720 (*part of 700*) typically provides data communication through one or more networks to other data devices (col 19, lines 53-54), which reads on contacting said service provider with said reference platform;

computer system 700 may request an application program through Internet 728, ISP 726, local network 722 and communication interface 718. In accordance with the invention, one such downloaded application provides for image transport and authentication as described herein (col 19, lines 53-54), which reads on wherein said reference platform downloads said configuration script.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

51. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US Patent 6,715,003 B1) in view of Howard et al (US Patent Pub 20010042045 A1). Safai discloses a block diagram (FIG. 7) that illustrates a computer system 700 upon which aspects of the invention may be implemented (col 18, lines 22-24), which reads on a reference platform;

computer system 700 also includes a communication interface 718 coupled to bus 702. Communication interface 718 provides a two-way data communication coupling (col 19, lines 38-40), which reads on a camera interface coupled to the reference platform and operable to receive a digital input; and

network link 720 typically provides data communication through one or more networks to other data devices. For example, network link 720 may provide a connection through local network 722 to a host computer 724 or to data equipment operated by an Internet Service Provider (ISP) 726 (col 19, lines 53-58), which reads on a communication interface coupled to the reference platform operable to communicate said digital input to a wide area network. Safai does not disclose expressly that the

Art Unit: 2626

communication interface is a token ring. Howard et al discloses that this interface 203 can be an analog modem, ISDN modem, cable modem, token ring interface, (para 40, lines 10-11). A digital image input device 221 can be a digital camera which is coupled to an I/O controller 217 in order to allow images from the digital camera to be input into the computer system 201 (para 40, lines 30-34). Safai and Howard et al are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Howard et al to Sakai in order to obtain a token ring interface. The motivation for doing so would be to connect a digital camera to a network to transfer data to a closed-loop LAN.

52. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US Patent 6,715,003 B1) in view of Ito et al (US Patent 6,707,573 B1). Safai discloses a block diagram (FIG. 7) that illustrates a computer system 700 upon which aspects of the invention may be implemented (col 18, lines 22-24), which reads on a reference platform;

computer system 700 also includes a communication interface 718 coupled to bus 702. Communication interface 718 provides a two-way data communication coupling (col 19, lines 38-40), which reads on a camera interface coupled to the reference platform and operable to receive a digital input; and

network link 720 typically provides data communication through one or more networks to other data devices. For example, network link 720 may provide a connection through local network 722 to a host computer 724 or to data equipment

Art Unit: 2626

operated by an Internet Service Provider (ISP) 726 (col 19, lines 53-58), which reads on a communication interface coupled to the reference platform operable to communicate said digital input to a wide area network.

With respect to claim 8, Safai does not disclose expressly that the communication interface is a FDDI (Fiber Distributed Data Interface). Ito et al discloses that a communication control section 220 is connected to a network 224, such as FDDI (col 13, lines 58-60). Safai and Ito et al are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Ito et al to Safai in order to obtain an FDDI interface. The motivation for doing so would be to connect a digital camera to a high-speed local area network.

With respect to claim 9, Safai does not disclose expressly that the communication interface is ATM (Asynchronous Transfer Mode) network. Ito et al discloses that a communication control section 220 is connected to a network 224, such as ATM (col 13, lines 58-60). Safai and Ito et al are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Ito et al to Safai in order to obtain an ATM interface. The motivation for doing so would be to connect a digital camera to a network to transfer data in real time.

53. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US Patent 6,715,003 B1) in view of Wasula et al (US PG PUB 20020054224 A1). Safai discloses that one or more digital images are thereby formed by the camera and

Art Unit: 2626

stored in its memory for later use, viewing or manipulation (col 22, lines 30-32), which reads on providing image data on a storage;

the software elements 220 of camera 100 may generate the menu displays of FIG. 9A through FIG. 9D and FIG. 10 and cooperate with software elements executed by server 810 to carry out services 802 (col, lines 24-27), which reads on connecting the storage media(*of camera*) to a reference platform(*server*);

a photographic service provider, such as a photo development business, photograph or film processing business, camera shop, or other service bureau ("photo service provider"), can be located logically separate or remote from the service provider 800 and the owner of camera 100 (col 20, lines 51-55), which reads on connecting the reference platform to a service provider; and

the photo service provider provides development, printing and/or transport services for photographic prints or other photographic elements such as negatives, internegatives, interpositives, motion picture film, etc., that are produced based on digital images, to a user of camera 100 (col 20, lines 59-64), which reads on uploading the image data to the service provider.

With respect to claim 14, Safai does not disclose editing the uploaded image data on the service provider. Wasula et al discloses that after the image is transferred and stored in a destination directory, the digital image transfer application program looks for an "image editing application preference" field (e.g., "RunApp" line 8 in FIG. 3A) in the profile of that image, for example, Adobe PhotoDeluxe software (para 40, lines 26-31). The destination directory where the editing takes place can be on a hard

Art Unit: 2626

disk space of the Network Service Provider 70 (para 40, lines 18-19). Safai and Wasula et al are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Wasula et al to Safai in order to obtain a remote edit feature. The motivation for doing so would be to edit an image at a remote location.

With respect to claim 15, Safai does not disclose processing the image data in the storage media. Wasula et al discloses that after the image is transferred and stored in a destination directory, the digital image transfer application program looks for an "image editing application preference" field (e.g., "RunApp" line 8 in FIG. 3A) in the profile of that image, for example, Adobe PhotoDeluxe software (para 40, lines 26-31). The destination directory where the editing takes place can be on a hard disk space of the Network Service Provider 70 (para 40, lines 18-19). Safai and Wasula et al are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Wasula et al to Safai in order to obtain a remote image-processing feature. The motivation for doing so would be to process an image stored at a remote location.

With respect to claim 16, Safai does not disclose deleting image data from the storage media after each image is uploaded. Wasula et al discloses that the image can then be deleted from the removable memory card 30 of the digital camera 10 (block 470), according to the "Erase After Transfer" field (line 10 in FIG. 3A). Alternatively, a

Art Unit: 2626

global preference can be stored in the firmware memory 28 of the digital camera 10 and used for all transfers (para 40, lines 33-38). Safai and Wasula et al are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Wasula et al to Safai in order to obtain a feature of removing a transferred image from a camera memory. The motivation for doing so would be to save memory space.

With respect to claim 17, Safai discloses the customer can use the browser to connect to the HTTP server of the service provider and view images that the customer has sent to the service provider from the customer's camera 100 using the mechanisms outline above (col 28, lines 39-44), which reads on enabling a user to view the image via a web browser.

With respect to claim 18, Safai discloses that in block 1226, services are carried out by the photo service provider with respect to the current image (col 28, lines 19-20), which reads on the step of providing that the service provider print the image.

With respect to claim 19, Safai discloses that services 602 create a Web document, for example, a file in the hypertext markup language (HTML) format (col 16, lines 37-38), which reads on the step of creating a web page with the image data.

With respect to claim 20, Safai discloses that the external service provider might offer manual image enhancement, preparation of poster-size prints or other specialty items, bulk image storage, etc. (col 21, lines 60-62) and the customer can order reprints or other products incorporating an image or images, such as calendars,

Art Unit: 2626

t-shirts, etc (col 28, lines 44-46), which reads on the step of creating a compact disk with the image data.

54. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US Patent 6,715,003 B1) in view of Paz-Pujalt et al (US PGPUB 20040085576 A1).

Safai discloses that one or more digital images are thereby formed by the camera and stored in its memory for later use, viewing or manipulation (col 22, lines 30-32), which reads on providing image data on a storage;

the software elements 220 of camera 100 may generate the menu displays of FIG. 9A through FIG. 9D and FIG. 10 and cooperate with software elements executed by server 810 to carry out services 802 (col, lines 24-27), which reads on connecting the storage media(*of camera*) to a reference platform(*server*);

a photographic service provider, such as a photo development business, photograph or film processing business, camera shop, or other service bureau ("photo service provider"), can be located logically separate or remote from the service provider 800 and the owner of camera 100 (col 20, lines 51-55), which reads on connecting the reference platform to a service provider; and

the photo service provider provides development, printing and/or transport services for photographic prints or other photographic elements such as negatives, internegatives, interpositives, motion picture film, etc., that are produced based on digital images, to a user of camera 100 (col 20, lines 59-64), which reads on uploading the image data to the service provider. Safai does not disclose the step of directing the image data to be processed at a processing center in close proximity to the end user.

Art Unit: 2626

Paz-Pujalt et al disclose using the information identifying the location of the recipient to select a local printing station for the recipient from a plurality of local printing stations. Safai and Paz-Pujalt et al are analogous art because they are from the similar problem solving area of transferring image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Paz-Pujalt et al to Safai in order to obtain a feature of transfer of image data to a nearby location. The motivation for doing so would be to access the image data at a convenient location.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 703-305-8733. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or Faxed to:

Art Unit: 2626

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to:

Crystal Park II

2121 Crystal Drive

Arlington, VA

Sixth Floor (Receptionist)

TJL

TJL

MARK WALLERSON
PRIMARY EXAMINER